

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04CV220-MU**

CHERYL M. ANDERSON, on)
behalf of herself and all others)
similarly situated,)
Plaintiff,)
)
v.)
)
FAMILY DOLLAR, INC.,)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court with respect to the Plaintiff’s “Motion to Voluntarily Dismiss Action Without Prejudice” (Doc. No. 10). The Defendant has filed “Response in Opposition...” (Doc. No. 12).

This action is one of three FLSA collective actions previously pending in the Western District. One of those cases, *Medley, et al. v. Family Dollar*, 3:04CV243, was dismissed with prejudice by stipulation of the parties in January 2005. The other case, *Rowe et al. v. Family Dollar*, 3:04CV220, is being dismissed by Order of the Court after considering a motion to dismiss almost identical to the one filed in this case. That Order conditions the dismissal on the requirement that any subsequent suit filed by the Plaintiff be filed in the Western District of North Carolina.

The Court has reviewed the facts in this case and finds them to be virtually identical to the facts in *Rowe*. Any differences would have no impact on the Court’s analysis in deciding the motion to dismiss.

Accordingly, for the same reasons stated in the Court’s Order in *Rowe*, the Court will **GRANT** the motion to dismiss without prejudice in this case. Such Order is also conditioned on the

requirement that any subsequent suit by the Plaintiff in this case be filed in North Carolina.

IT IS SO ORDERED.

Signed: July 7, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

